

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ELAINE GRIFFITHS

Plaintiff

v.

TARGET CORPORATION

Defendant

X
X
X
X
X
X
X

**CIVIL ACTION NO.
4:12cv-731**

JURY REQUESTED

JOINT STIPULATION FOR DISMISSAL WITHOUT PREJUDICE

On the _____ day of August, 2013, pursuant to Rule 41 of the Federal Rules of Civil Procedure Plaintiff Elaine Griffiths, through her undersigned attorney, and Defendant Target Corporation, through its undersigned attorney stipulate and agree that this referenced lawsuit is dismissed without prejudice and based upon the following conditions:

1. This lawsuit is dismissed without prejudice, so that Plaintiff may refile this lawsuit, or a similar lawsuit in the future;
2. The parties agree to pay their own costs, expenses and attorneys fees incurred prior to this dismissal;
3. The parties agree that any refiled lawsuit must be filed in: United States District Court for the Eastern District of Texas, Sherman Division; or, United States District Court for the Northern District of Texas, Dallas Division; or, United States District Court for the Northern District of Texas, Fort Worth Division; If the case is filed in a court other than one listed above, this agreement constitutes Plaintiff's consent to have the case removed/transferred to one of the three courts listed above and to pay Defendant's reasonable costs and attorneys' fees

associated with any removal/transfer;

4. All discovery and other materials from this suit may be used in any refiled lawsuit; and,
5. Defendant may not recover any costs from this action pursuant to Rule 41(d) of the Federal Rules of Civil Procedure unless Plaintiff violates Condition 3, above, and refiles in a court other than those agreed to;

Based upon the above conditions this lawsuit is dismissed without prejudice so that Plaintiff may refile this lawsuit, or a similar lawsuit in the future.

SO AGREED

RASHTI AND MITCHELL

/s/Timothy T. Mitchell
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